

EXHIBIT V

SAMUEL CLEMONS, SR.
UNITED STATES vs STATE OF GEORGIA

December 15, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
STATE OF GEORGIA,
Defendants.

) CIVIL ACTION
) NO. 1:16-cv-03088-ELR
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)

VIDEOTAPE DEPOSITION OF
SAMUEL CLEMONS, SR.

Thursday, December 15, 2022, 9:36 a.m., EST

LOCATION OF WITNESS:

Horizon Academy
2510 West Boulevard
Moultrie, Georgia 31768

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

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1 A What do you mean?

2 Q Do you have any staff who report to you?

3 A Yes, I do.

4 Q How many?

5 A I have four coordinators that report
6 directly to me.

7 Q Does anyone else report directly to you?

8 A Um, I think that's it.

9 Q Are there additional staff at Horizon
10 GNETS who in turn report to the four coordinators?

11 A I'm not sure what you're asking.

12 Q Are there other staff who report to your
13 four coordinators?

14 A Yes.

15 Q And would those generally speaking be
16 staff at the Horizon GNETS program?

17 A Yes.

18 (WHEREUPON, Plaintiff's Exhibit-707 was
19 marked for identification.)

20 BY MS. GARDNER:

21 Q I'll hand you what is marked as
22 Plaintiff's Exhibit 707.

23 This is a brochure providing information
24 about the Horizon GNETS program.

25 Do you recognize this document?

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1 A I do.

2 Q Who created this document?

3 A I'm not sure.

4 Q Okay. Am I correct this brochure provides
5 information about the Horizon GNETS program?

6 A Yes.

7 Q And this says that Horizon Academy is one
8 of the 24 programs statewide comprising of Georgia
9 Network for Educational and Therapeutic Support,
10 correct?

11 A Yes.

12 Q And it goes on to say, on the first page,
13 in the first paragraph, under "What is Horizon
14 Academy?" That it is funded by the Georgia General
15 Assembly through the Georgia Department of
16 Education, Special Education Services and Supports?

17 A That's correct.

18 Q What is Horizon's mission?

19 A To provide support and assist students
20 ages five through 21 with emotional and behavior
21 disorders to reach their full potentials.

22 Q Given this mission statement, would you
23 say that most of the students in the Horizon GNETS
24 program have EBD?

25 A You're saying EBD. I'm saying SEBD,

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1 Q Are there any other direct therapeutic
2 services that fall into the category of character
3 education apart from the standardized curriculum you
4 just mentioned?

5 A No.

6 Q No?

7 A (Witness shakes head in the negative.)

8 Q You also mentioned Check and Connect?

9 A Yes.

10 Q What is Check and Connect?

11 A That's when students first come in in the
12 mornings and you greet them at the door and you
13 pretty much check, see how they are doing, and then
14 you try to make connection with them daily.

15 Q Okay. Any other direct therapeutic
16 services for Horizon GNETS students that we haven't
17 covered that you can think of?

18 A I'm sure there are others but I can't
19 think of them right now.

20 Q This also references evaluation. Do you
21 see that?

22 A Yes.

23 Q What kind of evaluation do students
24 receive?

25 A Usually when students come to us -- before

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1 they come to us, the LEA has to do an FBA, and from
2 the FBA develop a BIP.

3 Q That FBA, BIP, are those requirements?

4 A Yes.

5 Q And who requires that?

6 A That's something we require. That's part
7 of our intake, initial intake.

8 Q Who determines what the requirements of
9 the initial intake form will be?

10 A That's a form we got from the state, DOE.

11 Q You keep referring to a form. Is there a
12 particular name of that form or --

13 A There is, and I can't think of the name of
14 that. There's a document that we use to initiate
15 the intake of students.

16 Q Okay. And that document tells you the
17 various things that you are required to do or to
18 meet before you can take the student in?

19 A Right, it is.

20 Q Anything else included within the
21 valuation here apart from the FBA and the BIP?

22 A Sometimes there might be an evaluation
23 that's done by the psychological -- by the
24 psychologist before students enter the program.

25 Q Does Horizon GNETS do FBAs and BIPs once a

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1 BY MS. GARDNER:

2 Q I show you what is marked as Plaintiff's
3 Exhibit 722.

4 Am I correct that this is the grant
5 application for Horizon Academy GNETS program for
6 the FY 22 school year?

7 A That's correct.

8 Q And this document was produced by the
9 Horizon GNETS program in response to the United
10 States subpoena?

11 A That's correct.

12 Q Looking at this first page, am I correct
13 that this list of form names is a list of the forms
14 or sort of topical areas that Horizon must complete
15 when submitting its grant application?

16 A That's correct.

17 Q So it completes a form or a section
18 regarding its staffing pattern, as one of the forms
19 listed here?

20 A The staffing pattern was already
21 populated, I think, and we didn't create -- I didn't
22 do the staffing pattern.

23 Q But that information appears in the grants
24 application?

25 A Right. Correct.

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1 Q And then the Horizon GNETS program would
2 also complete a form regarding its behavioral
3 supports and therapeutic services?

4 A Correct.

5 Q And it would do so regarding its
6 instructional and academic supports?

7 A Correct.

8 Q And this list goes on and it has numerous
9 sort of forms listed, correct?

10 A Correct.

11 Q And in order to complete the grant
12 application, the Horizon GNETS program has to
13 complete all of these, correct?

14 A That's correct.

15 Q I'd like to turn to the third page, which
16 is the staffing pattern form.

17 A You said the third page?

18 Q Yes, the third page in.

19 The pages are not consecutively numbered,
20 so it might be easier to start from the front and
21 flip to the third page.

22 A Is that 2 out of 4 at the bottom?

23 Q It's 1 out of 2 at the bottom and it has a
24 header that says, "Staffing Pattern" at the top of
25 the page.

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1 I think you're too far in. Go back to the
2 very first page. Stop right there. Is that
3 Staffing Pattern?

4 A It's 1 out of 4.

5 Q Does it say Staffing Pattern at the top?

6 A No. It says Personnel List. Let me see
7 if I have the wrong page.

8 I've got Personnel List and -- I don't
9 have Staffing Pattern.

10 Q My apologies. In your version there is at
11 the very end.

12 A Okay.

13 Q So if you look at the last two pages of
14 the document.

15 A Okay. I see it.

16 Q And you see it says Staffing Pattern?

17 A It's 1 of 2, right?

18 Q Yes.

19 A At the bottom?

20 Q Yes.

21 A Got it.

22 Q And I just want to go through some of
23 these positions. It says here that there is one
24 GNETS secretary at Horizon?

25 A That's correct.

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1 Q And it also says that there are two GNETS
2 social workers? Do you see that under Student
3 Support Services?

4 A Yes. But that -- that's not a licensed
5 social -- I'm trying to think.

6 I think that was wrong because I think
7 that was a consultant teacher. It's not a license
8 -- they're not licensed social workers. So that's
9 an error there.

10 Q So do you currently have any licensed
11 social workers on staff at Horizon GNETS?

12 A Not at this time.

13 Q The two that are identified here as GNETS
14 social worker, you believe those are consultant
15 teachers?

16 A I'm sure those are consultant teachers.

17 Q Okay. And those two social workers that
18 are listed that are consultant teachers, those
19 positions are funded by the State grant?

20 A Yes.

21 Q Moving down, it says that there are three
22 GNETS special education specialists.

23 Do you see that?

24 A I do.

25 Q Are those also consultant teachers?

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1 A They are.

2 Q And those three consultant teachers that
3 appear as GNETS special education specialists are
4 also funded by the State grant?

5 A Yes.

6 Q Under Instructional Staff, there is a line
7 item for GNETS Teacher. Do you see that?

8 A I do.

9 Q And it says there are 21 GNETS teachers?
10 Correct?

11 A At that time, yes.

12 Q And those are all funded by the State
13 grant?

14 A Yes.

15 Q Do you have 21 GNETS teachers currently?

16 A I think. Let me see.

17 (Pause.)

18 Yes.

19 Q And this says that there are no LEA funded
20 GNETS teachers, correct?

21 A That's correct.

22 Q Is that still currently accurate?

23 A Yes.

24 Q The staffing pattern also shows one
25 director in the program, correct?

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1 A That's correct.

2 Q And that's you?

3 A Yes.

4 Q And your position is funded through the
5 State grant?

6 A Yes.

7 Q This staffing pattern shows that there are
8 18 GNETS paraprofessionals. If you look at the
9 grand total, it doesn't sort of show where the staff
10 fall apart from that.

11 How are your 18 paraprofessionals funded?

12 A Federal funds.

13 Q If you look at the page immediately
14 preceding the Staffing Pattern, the Student
15 Transition form. Do you see that?

16 A I do.

17 Q This says that Horizon Academy had 116
18 students across all of its center locations,
19 correct?

20 A Yes.

21 Q And then it had 52 students across its
22 school-based GNETS classrooms?

23 A Yes. I see that, yes.

24 Q And then this shows there were 15 students
25 who were returned to their home district?

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1 training. Do you see that?

2 A I do.

3 Q Is that different from the behavior skills
4 training you explained in connection with Tier 2?

5 A It's the same.

6 Q So that's informal behavior skills
7 training provided by classroom teachers?

8 A Yes.

9 Q This also mentions in the very last
10 sentence: "In some cases the ABA therapist is
11 observing students for support."

12 Do you see that?

13 A Yes.

14 Q What is an ABA therapist?

15 A Applied behavior analysis. An ABA
16 program, certified ABA person.

17 Q Do you have certified ABA personnel on
18 staff at Horizon GNETS?

19 A I have one certified -- well, I have --
20 let me back up.

21 I have an ABA therapist support. Okay,
22 that's what you call it. We say all our paperwork
23 to be an ABA therapist, but it's like a support
24 person. It's not like a therapist.

25 Q So the person you have on staff is not the

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1 ABA therapist, it is somebody who's trained to
2 support --

3 A Right, right. Right, right.

4 Q -- an ABA therapist?

5 A We do have ABA therapists that come in and
6 those are sent in by the LEAs for services.

7 Q So the ABA -- the actual ABA therapist
8 that comes to Horizon GNETS are sent by LEAs?

9 A Yes.

10 Q And this says they observe students for
11 support, correct?

12 A Yes.

13 Q And what is the point of that observation?
14 What comes out of that?

15 A They collect data, and from the data they
16 turn that into some kind of -- usually some kind of
17 behavior plan for us to follow.

18 Q Okay.

19 MS. GARDNER: I'm not quite finished with
20 this document, but, however, if you want to
21 take a break now.

22 MR. NGUYEN: It's up to you.

23 MS. GARDNER: I'm fine to finish the
24 document if you're fine.

25 MR. NGUYEN: How long are you going to be?

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1 Students in this program are already connected when
2 they come to us. So we just open our doors to have
3 them come in and they send their services to our
4 students.

5 Q Next it says, "Applies Behavior Analysis
6 Therapy."

7 A Okay. That's the same thing as ABA. We
8 talked about that earlier.

9 Q Okay.

10 A An ABA therapist.

11 Q And this is where it says Applied Behavior
12 Analysis Therapy?

13 A Right. It's the same thing as an ABA
14 therapist.

15 Q Okay. You mentioned before you get ABA
16 therapists who come in from outside to provide the
17 services?

18 A Correct. The LEA usually will send
19 somebody in, an ABA therapist in, to specific
20 students to provide those services.

21 Q Okay. I think that's it.

22 And you mentioned earlier that Horizon
23 GNETS does not have any psychologists on staff
24 currently, correct?

25 A That's correct.

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1 Q Has Horizon GNETS ever had any
2 psychologists on staff during the time you've been
3 director of the program?

4 A Not during the time I've been director of
5 the program.

6 Q Okay. So that would cover since 2010,
7 correct?

8 A Correct.

9 Q You mentioned that Horizon GNETS does not
10 currently have any social workers on its staff
11 either, correct?

12 A Correct.

13 Q Has Horizon GNETS ever had any social
14 workers on staff during the time you've been
15 director?

16 A You mean licensed social workers, right?

17 Q Yes.

18 A Yes, they have.

19 Q And when did Horizon GNETS last have a
20 licensed social worker on staff?

21 A About two years ago.

22 Q So somewhere around 2020?

23 A That's correct.

24 Q Was that licensed social worker funded
25 through the GNETS state grant?

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1 A Yes.

2 Q What is the process for hiring new
3 personnel when you have a vacancy?

4 A First you post the position on Teach
5 Georgia, and then we use the local platform that
6 the -- the four areas that we have, which is
7 Valdosta, Tift, Colquitt, and Cook and Berrien.

8 Then after we post the position, we get a
9 group of applicants for that specific position.
10 There's an interview team which consists of myself,
11 usually the coordinator at each position, and a
12 teacher from that school, that we interview for.

13 Q Okay. And then I take it you conduct some
14 number of interviews for any particular vacancy?

15 A Yes.

16 Q What happens after that?

17 A We conduct interviews, and then have a
18 rating scale that we all use. And then after we
19 conduct the interviews, we look at the rating scale
20 as far as specific applicants, and we make a choice
21 as far as who we think is best suited for that
22 position.

23 And then from that, I make a
24 recommendation to RESA, which takes it to Board of
25 Control.

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1 BY MS. GARDNER:

2 Q I'm going to hand you what is marked as
3 Plaintiff's Exhibit 725.

4 This is a set of documents produced to the
5 United States by the Horizon GNETS program. The
6 first page reads "Georgia Network for Educational
7 and Therapeutic Support, Confidential Student
8 Information Packet."

9 Do you recognize this document?

10 A I do.

11 Q And just take a flip through.

12 Am I correct that this, Plaintiff's
13 Exhibit 725, contains what are multiple sort of
14 discrete documents in one?

15 A Yes.

16 Q What are these documents?

17 A You mean what's in here?

18 Q Yes. Generally, what are they?

19 A Okay, this is a student information packet
20 before a child comes to our program, and we would
21 like to get as much information about the child as
22 possible. So they -- the school is responsible for
23 filling that out. There's a checklist.

24 And also in here there is some -- actually
25 some guiding questions as far as to determine

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1 whether the child is appropriate for our program.
2 There's a chart in here, and that chart is to --
3 it's consideration for services, and there's some
4 guiding things as far as whether the child is
5 appropriate for our program, some questions,
6 whatever, and as far as what we serve and how we
7 serve students.

8 Q Okay.

9 A And then we have -- actually has a lot of
10 data questions. On page -- is this Page 7? No,
11 it's not Page 7.

12 About three pages of guiding questions to
13 ensure that the child is appropriate for our
14 program. And that's just some directive.

15 And then after they complete that -- the
16 first part of this package, look through those
17 guiding questions to see if the child is appropriate
18 for our program. And then that last part we have
19 requests for GNETS consultation. That means we like
20 to go out and just do consultation before the child
21 comes in our program.

22 The consultation part is basically where
23 we go out and observe pretty much and see if the
24 child is appropriate for our program.

25 Q Okay. Thank you for that overview.

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1 So I want to talk a little bit about each
2 of the documents that are in here.

3 You said the first document is the
4 Confidential Student Information Packet, correct?

5 A That's correct.

6 Q And I believe you said that this is
7 something that the school fills out. When you say
8 the school fills out this document, you're talking
9 about whatever sending school district is referring
10 a student for GNETS services?

11 A Yes. It's the home school.

12 Q Okay. Did you create this Confidential
13 Student Information Packet?

14 A I did not.

15 Q Who created this document?

16 A It came from DOE.

17 Q The Georgia Department of Education?

18 A Yes.

19 Q How did you come into the possession of
20 this document?

21 A This is a document that -- I think Vickie
22 Cleveland and others may have -- with some of the
23 GNETS directors, got together and sort of created a
24 document because we were all having some of the same
25 issues.

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1 Q When you say you were all having some of
2 the same issues, what kind of issues were you
3 having?

4 A As far as the intake issues, as far as
5 what students are appropriate, what students are not
6 appropriate.

7 Q When you were saying you were having
8 intake issues, were there questions or concerns
9 about how to know which students were appropriate
10 and which students were not?

11 A Yes.

12 Q And were GNETS directors unclear about
13 that in some way?

14 A Yes.

15 Q And how in particular were GNETS directors
16 not clear?

17 A Well, we were unclear as far as students
18 that we thought were appropriate for our program,
19 and then we had -- then the LEAs weren't clear also,
20 because they were saying students we thought that
21 were not appropriate. So we decided to come up with
22 an instrument that everyone could look at, with the
23 guiding questions, those kinds of things. It would
24 be clear as far as the child is appropriate for our
25 program.

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1 Q So some of the documents in this packet,
2 part of the point of them was to help provide
3 clarity so that GNETS directors and LEAs understood
4 which students were appropriate for the GNETS
5 program and which students were not appropriate for
6 the GNETS program?

7 A Correct.

8 Q This Confidential Student Information
9 Packet on the very first page says: "Please review
10 the guiding questions for consideration of GNETS
11 services, as well as the GNETS services flow chart
12 to assist in appropriate educational planning for
13 the student."

14 Do you see that?

15 A I do.

16 Q And those are two documents that are
17 included in this exhibit and appear later, correct?

18 A That's correct.

19 Q So I want to move to the GNETS
20 Consideration for Services Flow Chart.

21 Do you see that?

22 A I do.

23 Q This is the flow chart that the
24 Confidential Student Information Packet is referring
25 to?

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1 A Yes.

2 Q This is one of the documents that you said
3 you also received from the Georgia Department of
4 Education?

5 A Yes.

6 Q And in the very top box in this flow chart
7 it says: "A student currently being served in SPED
8 has behavior problems at their school and it is
9 believed GNETS may be an option. (GNETS services
10 are only for students served in SPED)."

11 Do you see that?

12 A I do.

13 Q Who determined that GNETS services are
14 only for students served in SPED?

15 A I'm not sure.

16 Q But that's a rule?

17 A I'm not sure.

18 Q Well, that's what this flow chart says,
19 correct?

20 A That's what the flow chart says, yes.

21 Q And this flow chart is what you follow to
22 make determinations about whether a student is
23 appropriate for GNETS or not?

24 A Yes.

25 Q Moving next to the Guiding Questions for

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1 Consideration of GNETS Services, are you familiar
2 with that document?

3 A Yes.

4 Q And who created this?

5 A This -- again, this was created through
6 DOE, as far as a guide for us and for the LEAs.

7 Q And this is part of that sort of group of
8 documents that you said was to help provide clarity
9 about which students are appropriate and which are
10 not for GNETS services?

11 A Yes.

12 Q How does Horizon GNETS use this document?

13 A At the beginning of the school year,
14 usually what we do, we have a -- we meet with all
15 the LEAs, the special ed directors, and we share
16 this with them as far as our services, and we have
17 like a planning meeting at the end of each school
18 year, and we share with them our services, what
19 students we served and we share this with them. As
20 far as if they have a child they feel is appropriate
21 for our program, then these are some of the things
22 they need to look at.

23 We do that with the special ed directors
24 because we try to make the special ed directors the
25 -- make sure they're aware of any child that comes

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1 in our program.

2 Q And does Horizon GNETS itself use these
3 guiding questions if you're considering whether a
4 student should come to your program? Like do you
5 walk through this to figure out whether the student,
6 you know, can check all of these guiding questions
7 off?

8 A We do. But we get this from them. This
9 is sent to them, and then it comes back to us, and
10 then we look at what they have on here.

11 Q Okay. So this guiding questions document
12 comes back to Horizon GNETS from the sending school
13 district with these questions answered?

14 A Right.

15 Q So you could see if they're saying yes or
16 no to a particular question?

17 A Correct.

18 Q Then turning to the Requests for
19 Consultation Packet, who created this?

20 A Again, it's DOE.

21 Q And how does Horizon GNETS use this
22 document?

23 A Okay. We have the first part, student
24 information packet with guiding questions.

25 Then usually what happened this year --

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1 document that will explain all of this, did you ever
2 receive or become aware of such a guidance document?

3 A I think when the new one came out is when
4 we had got it, the new rule guidance document.

5 Q So it's your understanding that you did
6 get a guidance document after the new State GNETS
7 rule came out?

8 A Yes.

9 Q Was there a name for that guidance
10 document?

11 A Was there a name?

12 Q Uh-hum. (Affirmative.)

13 A I can't remember if there was.

14 Q But you got some sort of guidance
15 document?

16 A Yes, we did.

17 Q Do you still have that guidance document?

18 A It's on the website, I think.

19 Q Did you ever reach out to the State
20 Department of Education with questions about
21 students that school systems may want to refer to
22 Horizon GNETS?

23 A I'm not sure if I understand the question.

24 Q I'm wondering if you ever reached out to
25 the State Department of Education for guidance about

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1 particular situations that may come up where a
2 school system may want to refer a student to Horizon
3 GNETS and you have questions about it?

4 A Yes, I've reached out before.

5 Q What kinds of questions have you reached
6 out with?

7 A I reached out to Vickie I think a couple
8 of times and said, look, I got this child that
9 blase, blase, blase. We don't think this child is
10 appropriate, for guidance.

11 Q And when you reach out, do you typically
12 receive the guidance that you're looking for?

13 A Yes.

14 Q Do you ever reach out to anyone at the
15 State Department of Education other than Ms.
16 Cleveland?

17 A Um, I think I've reached out to Zelphine
18 before, I think. I'm not quite sure.

19 (Whereupon, Plaintiff's Exhibit 727 was
20 marked for identification.)

21 BY MS. GARDNER:

22 Q I'll hand to you what is marked as
23 Plaintiff's Exhibit 727.

24 This is an email from Nakeba Rahming to
25 you dated September 19, 2016, with the subject "Re:

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1 Referral."

2 The document is Bates-stamped GA00226017.

3 Do you recognize this?

4 A Yes.

5 Q And Ms. Rahming sends an email to you but
6 her email is in response to an earlier email that
7 you sent to her on the same day. Correct?

8 A That's correct.

9 Q And in your email you say: "I have been
10 contacted by a charter school concerning a referral.
11 How does that work? Do we take students from
12 charter schools?"

13 Correct?

14 A That's correct.

15 Q And what was Ms. Rahming's response to
16 your question?

17 A She said yes.

18 Q And in addition to saying yes, she also
19 indicated what process you would follow for handling
20 a referral like that?

21 A Yes.

22 (Whereupon, Plaintiff's Exhibit-728 was
23 marked for identification.)

24 BY MS. GARDNER:

25 Q I'm showing you what is marked as

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1 Plaintiff's Exhibit 728.

2 This is an email thread between you and
3 Nakeba Rahming from March of 2017. The subject is
4 "Re: Question."

5 This document is Bates-stamped GA00784317.

6 Do you recognize this document?

7 A Vaguely.

8 Q I want to start with the very first email
9 in time, which appears at the bottom of the first
10 page.

11 Am I correct you send an email to Nakeba
12 Rahming on March 3rd, 2017, and you say: "I gave a
13 system that want students to attend for several
14 weeks (2 or 3) before transitioning them back even
15 after meet goal and criteria."

16 Do you see that?

17 A Yes.

18 Q And there's some back and forth between
19 you and Ms. Rahming, and you send that question
20 again to her a little bit later that same day.
21 Correct?

22 A Correct. It should have been I have a
23 system. That was a typo.

24 Q Okay. So your revised question says: "I
25 have a system that wants students to come back on a

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1 trial basis for two weeks before they are staffed
2 back. These are students that have met the
3 established exit criteria and mastered behavioral
4 goals." Correct?

5 A That's correct.

6 Q I want to kind of paraphrase and make sure
7 I understand what was happening and what you were
8 concerned about.

9 So were you reaching out to Ms. Rahming
10 about a system that had sent students to Horizon
11 GNETS for services, those students had met the
12 established exit criteria and mastered the
13 behavioral goals that they were supposed to master,
14 but the sending school system wanted those students
15 to only be able to come back on a trial basis for
16 two weeks to see if they could actually come back
17 for real? Is that correct?

18 A That's correct.

19 Q And so why were you reaching out to Ms.
20 Rahming about this?

21 A I was trying to get some guidance.

22 Q And what kind of guidance were you trying
23 to get?

24 A Well, I was trying to clarify if they
25 could actually do that. It's my understanding is

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1 that when they're ready to go back, they go back.

2 So I was trying to clarify and get some guidance if,
3 if this was something that we did, because I had
4 never done it before.

5 Q And Did Ms. Rahming give you guidance
6 about that?

7 A I guess so. Yeah, she did.

8 Q And what was her guidance?

9 A She said there shouldn't be a trial
10 period.

11 Q There should?

12 A There should not.

13 Q Should not?

14 A She said they should return to the team
15 without a trial period.

16 Q And specifically her email says if the
17 student met his or her goal, the IEP team should
18 recommend that the student return to the less
19 restrictive team without a trial period, correct?

20 A That's correct. Correct.

21 Q Once a student arrives at Horizon GNETS,
22 are they given any assessment to determine where
23 they are, either behaviorally or academically?

24 A Yes. We have a program called i-Ready,
25 Reading and Math, which makes assessments for that.

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1 Q And what about the SDQ?

2 A Yes.

3 Q There's a class associated with that?

4 A Yes.

5 Q And who pays for that?

6 A It comes out of our federal and state
7 funds.

8 (Whereupon, Plaintiff's Exhibit-729 was
9 marked for identification.)

10 BY MS. GARDNER:

11 Q I'm going to hand you what is marked as
12 Plaintiff's Exhibit 729.

13 This is an email from Vickie Cleveland to
14 you, dated August 24, 2020. The subject is "Re:
15 GNETS Calendar."

16 The document is Bates-stamped GA00361784.
17 Do you recognize this?

18 A I do.

19 Q And correct that Ms. Cleveland sends an
20 email to you in response to a question that you
21 posed that you sent to her and Lakesha Stevenson?

22 Is that right?

23 A That's correct.

24 Q And your question that you send says: "Do
25 we have a GNETS Calendar for this year to help meet

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1 deadlines for things that are due such as: Iready
2 diagnosis, SDQ, and etc."

3 Do you see that?

4 A Yes.

5 Q And then Ms. Cleveland responds and says,
6 "We are working on that. Will get it out asap.
7 Have a great day"?

8 A Yes.

9 Q What is the GNETS calendar that you're
10 referring to?

11 A From Ms. Cleveland and Lakesha, who are
12 over the GNETS programs, all the GNETS, we have a
13 calendar that we all have and on that calendar it
14 has all deadlines for all of us, that we're supposed
15 to have completed certain things as far as i-Ready
16 diagnostics, and SDQs, and BASC, and that kind of
17 stuff.

18 So what I was asking for where is the
19 calendar so we can meet the deadlines as far as make
20 sure you get that information in and complete it by
21 deadline.

22 Q Okay. And so do you receive a calendar
23 like that generally every year that tells you what
24 the new dates and deadlines are for the various
25 things?

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1 A We have not gotten a calendar the past
2 year, but before that we got a calendar every year,
3 as far as when we're supposed to meet deadlines.

4 Q Okay. And when you say you haven't gotten
5 one the last year, do you mean this current 2022-23
6 school year?

7 A Yes.

8 Q Did you get one in the 2021-22 school
9 year?

10 A Yes.

11 Q So for this current 2022-23 school year,
12 how are you determining, you know, what deadlines
13 you need to meet?

14 A I'm using the old calendar.

15 Q And just so I'm clear about the kinds of
16 deadlines that appeared in the calendar, you
17 mentioned the i-Ready diagnosis?

18 A Uh-hum. (Affirmative.)

19 Q So is there some period of time during the
20 year where regional GNETS programs are expected to
21 administer like an i-Ready diagnostic?

22 A Yes. We're supposed to have a diagnostic
23 on all of our students in -- I mean by a certain
24 period of time, before we actually start putting on
25 the i-Ready program.

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1 Q Okay.

2 A And then we get monthly reports as far as
3 where our students are at.

4 Q Do those monthly reports contain target
5 goals that your regional programs are supposed to
6 try to hit?

7 A Yes.

8 Q And who sets those target goals?

9 A That was set through, I guess, DOE.

10 Q And in terms of the target goals, do those
11 goals include a target number of minutes per week
12 that students are using i-Ready?

13 A It does.

14 Q Does it include a target sort of
15 percentage mastery that students are having over the
16 material?

17 A It does.

18 Q You say in your email -- you also list the
19 SDQ. Do you see that?

20 A Yes.

21 Q Is there some sort of deadline that
22 regional GNETS programs are supposed to meet for
23 administering the SDQ?

24 A Yes.

25 Q Is there a particular number of times that

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1 the SDQ has to be administered each year?

2 A There was -- there were. At first there
3 were a number of times that you're supposed to do
4 it.

5 Q When you say "at first," has that changed?

6 A Yes.

7 Q And so how many times were you supposed to
8 do it at first?

9 A It was three times, I think.

10 Q Three times a year?

11 A Uh-huh. (Affirmative.)

12 Q And how many times is it now?

13 A I'm not sure but I think it's one. I'm
14 not sure about that.

15 Q Okay. Does the GNETS calendar contain any
16 deadlines for administering the BASC?

17 A Yes.

18 Q Anything else that appeared on that
19 calendar in terms of a deadline?

20 A Yeah, there is some other stuff that I
21 can't remember now, but it was a monthly calendar
22 and it gave us guidance as far as when we're
23 supposed to do assessments, different assessments,
24 when they should be complete, when they should be
25 completed, but I can't remember the rest of the

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1 things. But it was, it was a guide for us.

2 Q Did the calendar also include information
3 on the deadlines for completing the GNETS strategic
4 plan and self-assessment?

5 A Hum. I can't remember if the strategic
6 plan is on there or not.

7 Q Okay.

8 (Whereupon, Plaintiff's Exhibit-730 was
9 marked for identification.)

10 BY MS. GARDNER:

11 Q I'm going to show you what is marked
12 Plaintiff's Exhibit 730.

13 This is an email from you to Vickie
14 Cleveland, dated May 14, 2019. The subject is "Re:
15 ABA pro."

16 And this document is Bates-stamped
17 GA00345579.

18 Do you recognize this?

19 A Vaguely.

20 Q And you send Ms. Cleveland an email on May
21 14, 2019 that says "Horizon Academy," and then it
22 has the No. 3 next to it, correct?

23 A Right.

24 Q And am I correct that Ms. Cleveland had
25 earlier sent an email that you received in which she

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1 So the purpose of the plan is to look
2 where you're at, self-assess your program and look
3 where you're at, and look at those areas you need to
4 improve in on and then work in those areas.

5 Q Okay. Is Horizon GNETS obligated to
6 comply with the GNETS Strategic Plan?

7 A I assume so.

8 Q You mentioned that there is a
9 self-assessment component to the strategic plan,
10 correct?

11 A Yes.

12 Q And as part of that self assessment
13 process, is there standardized information that must
14 be like collected or provided?

15 A You have artifacts that you have to
16 collect.

17 Q And those artifacts demonstrate whether
18 the program has complied with certain aspects of the
19 strategic plan?

20 A Yes.

21 Q Is there an onsite review component to the
22 strategic plan?

23 A There was.

24 Q And tell me about that onsite review.

25 A The onsite review where you had Vickie and

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1 Lakesha would come to the site, and pretty much you
2 had several components to the strategic plan, and
3 basically you had a notebook where each section you
4 would show artifacts that you have -- that you've
5 complied with that or you're on board with that,
6 that area.

7 And they would review that notebook and
8 look at where you were and give feedback as far as
9 some things you need to do.

10 Q Okay. Is that review process done
11 virtually now given COVID, or is there something
12 that's sort of used to replace the onsite review
13 that you said happened before COVID?

14 A Pretty much online. You have to upload
15 it. I mean you, you have to upload your documents.

16 I'm trying to think. Yeah, the strategic
17 plan portal, I think, and you just upload your
18 documents under each section, so many documents to
19 show that you have mastered that, or, you know,
20 working on that area.

21 Q Okay. So what previously was a physical
22 notebook that Ms. Cleveland, Ms. Stevenson might
23 come onsite and review, now you electronically
24 upload the artifacts that would have been in that
25 physical notebook to the Georgia Department of

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1 A Right.

2 Q -- GNETS program, correct?

3 A Uh-huh. (Affirmative.)

4 Q When you said "uh-huh," you meant yes?

5 A Yes.

6 Q Thank you.

7 You said earlier Ms. Cleveland and Ms.
8 Stevenson conduct the strategic plan reviews,
9 correct?

10 A Previously, yes. And I guess they still
11 do but it's online now.

12 Q If there are any deficiencies or concerns
13 in an area that's being assessed, is there any
14 process by which improvements are recommended?

15 A Yes.

16 Q And how does that work?

17 A Usually whether you've mastered an area,
18 like it's determined by artifacts, and it shows
19 you've mastered that area. And if you have not
20 mastered that area, then usually Ms. Cleveland or
21 Ms. Stevenson would give some recommendations or
22 talk about -- talk you through some of the things
23 you may need to do, some of the things you may need
24 to share in order to master that area.

25 Or they may refer you to another program

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1 that has mastered that area to get some insights as
2 far as some things you need to do.

3 Q Okay.

4 (Whereupon, Plaintiff's Exhibit-733 was
5 marked for identification.)

6 BY MS. GARDNER:

7 Q I want to show you what has been marked as
8 Plaintiff's Exhibit 733.

9 This is an email from Vickie Cleveland to
10 you dated June 7, 2018. The subject is "Meeting
11 Monday."

12 The document is Bates-stamped GA00324971,
13 and this document has one attachment that is a Word
14 document with a file name "Tips - Strategic Plan
15 Reviews Prep 4-17-18."

16 Do you recognize this?

17 A I do.

18 Q And this email is discussing a strategic
19 plan review of Horizon GNETS scheduled for June 11,
20 2018, correct?

21 A That's correct.

22 Q And in this email Ms. Cleveland attaches
23 some strategic plan review tips that she says were
24 sent out to everyone in April?

25 A Yes.

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1 Q Who did you understand the "everyone"
2 referenced here to be?

3 A All the GNETS programs.

4 Q Okay. Turning to the attachment, which
5 has a beginning Bates Stamp of GA00324972, these are
6 the tips for strategic plan reviews that Ms.
7 Cleveland references in her email to you?

8 A Yes.

9 Q And within the first paragraph, am I
10 correct, and this is about midway down, that it
11 says: "The tips outlined below may be helpful as
12 you prepare your documentation and evidence for each
13 of the focus areas"?

14 Do you see that?

15 A Yes.

16 Q And is the documentation and evidence for
17 each of the focus areas that this document is
18 referencing the kinds of documents that I think you
19 have been referring to as artifacts?

20 A Yes.

21 Q I want to talk about a few of these.

22 Under the first section, Program
23 Leadership, and do you see it says, "Documentation
24 of attendance at GNETS meetings, conferences, etc
25 (agendas and sign in sheets)."